



Kirit C. Shah, M.D. v. Stan Harris and Nancy Harris

Lesson 1: One Case, Two Sides

A lesson plan for secondary teachers on how lawyers prepare their arguments*

*This case was chosen by staff within the judicial branch as a useful tool to teach an interesting aspect of the law. Its selection has no bearing on how the case will ultimately be decided. Since the members of the court did not participate in the preparation of the lesson plan, the issues raised in it will not necessarily be addressed in the oral argument.

Background:

Teachers should ask their students to read the case summary and the briefs of the appellant (the person bringing the case) Kirit C. Shah, M.D. and the appellees (the people who won in the previous court decision) Stan and Nancy Harris. These briefs as well as the video archive of the oral argument before the Indiana Court of Appeals are available online at the [Oral Arguments Online](#) page.

A [glossary](#) of legal terms used in this and other Courts in the Classroom lesson plans is available on-line as well.

Learning Objectives:

At the end of this lesson students will be able to:

1. Recognize and discuss how the opposing sides in a lawsuit might use the same cases to support their legal positions.
2. Analyze authors' language that subtly furthers their argument. (In this, lawyers are no different than historians, politicians, journalists, lobbyists, etc.)
3. Locate decisions of the Indiana Supreme Court and the Indiana Court of Appeals either on-line or in a local library.

Online Resources:

[Indiana Constitution Article 7](#)

[Indiana Code Title 33](#)

[Indiana's Judicial System](#)

[Chart of the Indiana Court System](#)

Relevant Cases

Each of the briefs contains a list of cases the attorney feels are important to his or her argument. The two links provided below are for cases quoted extensively. [Other Indiana court opinions](#) are available online.

[*Martin v. Richey*, 711 N.E. 2d 1273 \(Ind. 1999\)](#)

[*Van Dusen v. Stotts*, 712 N.E. 2d 491 \(Ind. 1999\)](#)

Learning Activities

1. Ask your class (or groups within the class) to read both the appellant's and appellees' briefs. Ask them to construct a timeline of events for each brief. Do both sides present the same dates? In the same order? Discuss the differences and similarities.
2. After reading each brief, ask students to summarize the primary argument made by each party. How do they differ?
3. Pay special attention to how each author addresses the parties involved. Why might the appellant refer to his client as Dr. Shah, but the appellee refer to him as Kirit Shah, M.D.? Look for other such subtleties of language.
4. Each attorney uses the cases of *Martin v. Richey* and *Van Dusen v. Stotts* to make their case. How can this be?
5. Ask students to read the Indiana Supreme Court's decisions in the cases of *Martin v. Richey* and *Van Dusen v. Stotts*. Are all of the justices in agreement on the legal issues under review in these cases? Do you think the lawyers have used these cases appropriately in their briefs? [These opinions can be accessed on-line, or the instructor might ask students to go to a local library and locate the bound versions in the reporters. Both the link and the case citation are provided in the "Relevant Cases" section of this lesson plan.]
6. Ask students to follow a similar exercise with a federal case such as [*Korematsu v. United States*](#) (1944) or [*Bush v. Gore*](#) (2000) [accessible through links provided below]. While the briefs are not readily available on-line, the opinions are. Encourage your students to read the opinions critically. They should carefully examine the language of each author and look for differences and similarities in how members of the Court interpret particular legal information.

For Further Study:

The Legal Information Institute of the Cornell University law school offers an [on-line encyclopedia for legal research](#).

The Cornell law school's [Legal Information Institute webpages](#) also provide links to decisions handed down from the [U.S. Supreme Court and the federal courts](#) as well as [opinions from state courts around the country](#). Links to each state's constitution and other related judicial issues can also be accessed from this site.

Related Indiana Social Studies Standards

US History 5.4 and 8.6: Explain the constitutional significance of the following landmark decisions of the United States Supreme Court: [*Korematsu v. United States*](#) (1944) and [*Bush v. Gore*](#) (2000).